

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JAMES HARRY HODSON, III,)	
)	
Petitioner,)	
)	
v.)	C. A. No. 05-92 Erie
)	
MARILYN BROOKS, et al.,)	
)	
Respondents.)	

**DEFENDANT'S MOTION TO EXTEND
TIME TO FILE OBJECTIONS TO REPORT AND RECOMMENDATION**

AND NOW, comes the petitioner, James Harry Hodson, III, by his attorney, Thomas W. Patton, Assistant Federal Public Defender, and files Defendant's Motion To Extend Time To File Objections To Report and Recommendation, and in support thereof states as follows:

1. On March 5, 2008, Chief United States Magistrate Judge Susan Paradise Baxter filed a Report and Recommendation recommending that the Court deny Mr. Hodson's petition for a writ of habeas corpus.
2. Pursuant to 28 U.S.C. § 636(b)(1)(B), and (C), and Rule 72.1.4(B) of the Local Rules for Magistrate Judges, Mr. Hodson's objections to Chief Magistrate Judge Baxter's R and R are due on Wednesday, March 19, 2008.
3. On Tuesday, March 18, 2008, counsel for Mr. Hodson filed his opening brief in the Third Circuit in Burkey v. Lappin, No. 07-4782, appealing this Court's dismissal of Mr. Burkey's habeas petition as moot. Due to the time and effort required to file Mr. Burkey's brief, counsel has not had sufficient time to review Chief Magistrate Judge Baxter's R and R and prepare objections.

WHEREFORE, the petitioner, James Harry Hodson, III, respectfully requests that this

Honorable Court extend the time in which he has to file objections to the Report and Recommendation.

Respectfully submitted,

/s/ Thomas W. Patton

Thomas W. Patton

Assistant Federal Public Defender

PA I.D. No. 88653